et al.). Applicant respectfully submits that independent Claims 1, 13, and 14, together with the remaining claims dependent thereon, are patentably distinct from the cited prior art and is fully supported by the specification for at least the following reasons.

The aspect of the present invention set forth in Claim 1 is directed to a communication apparatus. The apparatus includes a packet transmitter for transmitting image data in packets and for selectively transmitting sound data in packets. The sound data is divided into packets of invariable packet size, and the image data is divided into packets of variable packet size based on the size of each sound data packet.

The apparatus also includes a detector for detecting an amount of sound data to be transmitted in packets, and a controller for controlling the variable packet size of the packets of image data to be transmitted by the packet transmitter, according to a detection result of the detector.

One important feature of Claim 1 is that the packet size of the sound data is invariable. Applicant submits that the specification adequately describes this feature in such a way as to reasonably convey to one skilled in the relevant art that Applicant, at the time the application was filed, had possession of the claimed subject matter. For example, the specification at page 10, line 1 to page 11, line 18 describes, with reference to Figures 2A and 2B, image and sound data processing that includes a description of determining the size of the sound packet. Specifically, step 101 sets the sound-data packet size to a specified size, whereby sequentially captured sound data is inputted (step 102) and divided into the specified sound-packet size (step 103). Accordingly, Applicant respectfully submits that the feature wherein sound data is divided into packets of invariable packet size is fully supported by the

specification, and respectfully requests withdrawal of the rejection under 35 U.S.C. § 112, first paragraph.

Another important feature of Claim 1 is that the packet size for transmitting image data is based on the packet size of the sound data, whereby sound and image packets are sequentially transmitted, allowing for smooth transmission of image and sound data to the receiving station. By virtue of this feature, the timing of the sound data is nearly the same as the timing of the image data, so that when a user hears sound corresponding to the sound data and sees an image corresponding to the image data the sound and the image coincide without any noticeable time lag. (See pages 8-11 of the specification.)

Sugiyama et al., as understood by Applicant, relates to a digital video/audio recording and reproducing apparatus that has a predetermined transfer rate for signal recording and reproduction. Apparently, Sugiyama et al. teaches that the sum of the information amount of the encoded video signal and that of the encoded video signal is maintained constant. That is, the reduction rates of the image data encoder and the sound data encoder are controlled so that the total amount of sound data and image data is constant. Accordingly, the Sugiyama et al. apparatus is not believed to perform image packet size determination based on audio packet size, but rather on a predetermined reduction rate.

Nothing has been found in Sugiyama et al. that is believed to teach or suggest a communication apparatus that includes "a packet transmitter for transmitting image data in packets and for selectively transmitting sound data in packets, wherein the sound data is divided into packets of invariable packet size and the image data is divided into packets of variable packet size, whereby the image data packet size is determined by the sound data packet size, a

detector for detecting an amount of sound data to be transmitted, and a controller for controlling the variable packet size of the packets of image data," as recited in Claim 1.

Accordingly, Applicant submits that Claim 1 is not anticipated by Sugiyama et al. and respectfully requests withdrawal of the rejection under 35 U.S.C. § 102(e). Independent Claims 13 and 14 are method and computer memory medium claims corresponding to Claim 1, and are believed to be patentable for at least the same reasons as discussed above in connection with Claim 1.

The other claims in this application depend from one or another of the independent claims discussed above, and, therefore, are submitted to be patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, individual reconsideration of the patentability of each claim on its own merits is respectfully requested.

This Amendment After Final Action is believed clearly to place this application in condition for allowance and, therefore, its entry is believed proper under 37 C.F.R. § 1.116. Accordingly, entry of this Amendment, as an earnest effort to advance prosecution and reduce the number of issues, is respectfully requested. Should the Examiner believe that issues remain outstanding, it is respectfully requested that the Examiner contact Applicant's undersigned attorney in an effort to resolve such issues and advance the case to issue.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

Applicant's undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE TO CLAIMS

1. (Twice Amended) A communication apparatus comprising:

a packet transmitter for transmitting image data in packets and for selectively transmitting sound data in packets, wherein the sound data is divided into packets of invariable packet size and the image data is divided into packets of variable packet size based on the size of each sound data packet;

a detector for detecting an amount of sound data to be transmitted in packets; and

a controller for controlling the variable packet size of the packets of image data to be transmitted by said packet transmitter, according to a detection result of said detector.

13. (Twice Amended) A communication method comprising:

a packet transmission step of transmitting image data in packets and of selectively transmitting sound data in packets, wherein the sound data is divided into packets of invariable packet size and the image data is divided into packets of variable packet size based on the size of each sound data packet;

a detection step of detecting an amount of sound data to be transmitted in packets; and

a control step of controlling the variable packet size of the packets of image data

to be transmitted in said packet transmission step, according to a detection result of said detection step.

14. (Twice Amended) A computer-readable recording medium storing a program for a communication method of a communication apparatus, the program comprising:

program code for a packet transmission step of transmitting image data in packets and of selectively transmitting sound data in packets, wherein the sound data is divided into packets of invariable packet size and the image data is divided into packets of variable packet size based on the size of each sound data packet;

program code for a detection step of detecting an amount of sound data to be transmitted in packets; and

program code for a control step of controlling the variable packet size of the packets of image data to be transmitted in the packet transmission step, according to a detection result of the detection step.